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- (1) ACTION OF THE UTILITY means an action taken by Austin Water pursuant to this chapter.
- (2) AQUATIC LIFE means a vertebrate organism dependent upon an aquatic environment to sustain its life.
- (3) AUTOMATIC IRRIGATION SYSTEM means any irrigation system connected to and being operated by a programmable controller, including a permanently or temporarily installed irrigation system.
- (4) AUSTIN WATER, AW, AWU, and the Utility mean the Austin Water Utility.
- (5) AUXILIARY WATER means a water supply from a source other than Austin Water's potable water supply.
- (6) AUSTIN WATER AUTHORIZED IRRIGATION INSPECTOR means an Irrigation Inspector licensed by the Texas Commission on Environmental Quality who has also both passed a director-approved class in landscape irrigation and has been awarded Austin Water Authorized Irrigation Inspector status in accordance with rules adopted pursuant to this chapter.
- (7) BLEED-OFF (BLOWDOWN) means the circulating water in a cooling tower which is discharged to help keep the dissolved solids concentrating in the water below a maximum allowable limit.
- (8) BLOWDOWN METER or discharge meter means a meter that tracks the amount of water discharged from a cooling tower system.
- (9) COMMERCIAL FACILITY means a site with five or more dwelling units, or a municipal, business, or industrial building and the associated landscaping, but does not include the fairways, greens, or tees of a golf course.
- (10) COMMERCIAL NURSERY means a facility where plant nursery stock, trees, seedlings, turf, shrubs, flowers, herbs, crops or other plant materials are cultivated, grown, stored, or

maintained prior to retail consumer, installer, or reseller purchase, use, consumption, or installation of the materials at any location other than the commercial nursery.

(11) COMMON AREA means an area held, designed, or designated for the common use of the owners or occupants of a townhouse project, planned unit development, apartment, condominium, mobile home park, or subdivision.

(12) CONCENTRATION means re-circulated water in a cooling tower that has elevated levels of total dissolved solids as compared to the original make-up water.

(13) CONDUCTIVITY CONTROLLER means a device used to measure the conductivity of total dissolved solids in the water of a cooling system and control the discharge of water in order to maintain efficiency.

(14) COOLING TOWER means an open water recirculation system that uses fans or natural draft to draw or force air to contact and cool water through the evaporative process that removes heat from water-cooled air conditioning systems and from industrial processes.

(15) COSMETIC POWER WASHING means treatment or cleaning of a surface with specialized equipment that uses a spray of or directed water for the cosmetic cleaning of buildings, vehicles or other mobile equipment, or outdoor surfaces. It does not include industrial cleaning, cleaning associated with manufacturing activities, hazardous or toxic waste cleaning, or cleaning necessary to remove graffiti.

(16) CYCLES OF CONCENTRATION means the ratio of the dissolved solids in recirculating water to the dissolved solids in the make-up water

(17) DESIGNATED OUTDOOR WATER USE DAY means the day during which a person is permitted to irrigate outdoors as prescribed in City Code Section 6-4-13(E) (*Water Conservation Guidelines*).

(18) DIRECTOR means the Director of Austin Water.

- (19) DRIFT ELIMINATOR means a device that captures large water droplets caught in the cooling tower air stream to prevent the water droplets and mist from escaping the cooling tower.
- (20) DRIP IRRIGATION means a method of irrigation which is typically installed below ground and consists of porous piping that allows the application of water at a slow and constant rate.
- (21) DROUGHT CONTINGENCY PLAN means a strategy or combination of strategies for temporary supply management and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies required by Texas Administrative Code Title 30, Chapter 288, Subchapter B.
- (22) FOUNDATION WATERING means an application of water to the soils directly abutting the foundation of a building, structure, or improvement on land.
- (23) GOVERNMENT PROPERTY means property owned or operated by a federal, state, or local governmental unit, entity, agency, or a government subdivision for a public purpose.
- (24) HOSE-END SPRINKLER means an above-ground water distribution device that may be attached to a garden hose.
- (25) MAKE-UP means the amount of water required to replace normal losses caused by bleed-off (blowdown), drift, and evaporation.
- (26) MAKE-UP METER or intake meter means a meter that measures the amount of water entering a cooling tower system.
- (27) MANUAL IRRIGATION SYSTEM means an irrigation system designed to require the manual operation of valves or the attachment of a quick-coupling device.
- (28) MULTI-FAMILY PROPERTY means property containing five or more dwelling units.
- (29) NEW LANDSCAPE means vegetation:

- 131 (a) installed at the time of the construction of a residential or
132 commercial facility;
- 133 (b) installed as part of a governmental entity's capital improvement
134 project;
- 135 (c) installed to stabilize an area disturbed by construction; or
- 136 (d) that alters more than 500 contiguous square feet of an existing
137 landscape.
- 138 (30) ONSITE ALTERNATIVE WATER SOURCE means a water
139 source including recycled manufacturing process water, air
140 conditioner condensate, rainwater, stormwater, graywater, black
141 water, cooling tower blow down, and foundation drain water.
- 142 (31) ORNAMENTAL FOUNTAIN means an artificially created
143 structure from which a jet, stream, or flow of water emanates
144 and the water is not used for the preservation of aquatic life.
- 145 (32) OVERFLOW ALARM means a system that includes a level
146 switch and an electronic signaling device that sends an audible
147 signal or provides an alert via the energy management
148 control system to the tower operator in case of sump overflow.
- 149 (33) PERMANENTLY INSTALLED IRRIGATION SYSTEM
150 means a custom- made, site-specific system of delivering water
151 generally for landscape irrigation via a system of pipes or other
152 conduits installed below ground.
- 153 (34) PERSON means any natural person or legal entity such as an
154 individual, business, partnership, association, firm, corporation,
155 governmental, or other natural, business, or legal entity that
156 receives, requests, manages, uses, maintains, or is responsible
157 for water utility service at a service address, whether or not the
158 person or entity is a customer or account holder of Austin
159 Water.
- 160 (35) PREMISE means the outdoor area of property not enclosed by
161 fencing or walls or containing living areas, and not including
162 areas for storing vehicles or other motorized equipment.

- 163 (36) RECLAIMED WATER means reclaimed municipal wastewater
164 that is under the direct control of the City treatment plants,
165 satellite facilities, or a treatment plant with which the City
166 contracts, and that has been treated to a quality that meets or
167 exceeds the minimum standards of the 30 Texas Administrative
168 Code, Chapter 210.
- 169 (37) RESIDENTIAL FACILITY means a site with four or fewer
170 dwelling units.
- 171 (38) SOAKER HOSE means a perforated or permeable garden-type
172 hose or pipe that is laid above ground that provides irrigation at
173 a slow and constant rate.
- 174 (39) TEMPORARILY INSTALLED IRRIGATION SYSTEM
175 means a universally applicable above ground irrigation system
176 that uses a flexible hose or hardened pipe to deliver water to a
177 moveable water distribution device.
- 178 (40) TON means an evaporative cooling ton of 15,000 British
179 Thermal Units (BTUs) per hour.
- 180 (41) VEHICLE WASH FACILITY means a permanently-located
181 business that washes vehicles or other mobile equipment with
182 water or water-based products, including but not limited to self-
183 service car washes, full service car washes, roll-over/in-bay
184 style car washes, and facilities managing vehicle fleets or
185 vehicle inventory.
- 186 (42) XERISCAPE means a landscape which employs certain
187 principles of design and installation which conserve water and
188 energy and where the plant material, at mature growth, will
189 provide at least 50% of the new landscape's areal coverage. The
190 plant material must consist of plants identified on a plant list
191 provided by Austin Water that are very low water usage and
192 low water usage plants.

193 **PART 3.** City Code Section 6-4-3 (*Applicability of Regulations; Affirmative*
194 *Defenses*) is amended to read as follows:

195 **§ 6-4-3 - APPLICABILITY OF REGULATIONS; AFFIRMATIVE**
196 **DEFENSES.**

(A) This chapter applies to a person who uses, directs, manages, or allows the use of potable water supplied by Austin Water [Utility]. The chapter does not apply to a person [who] when the person only uses, directs, manages, or allows the use of auxiliary water or reclaimed water[~~unless the auxiliary water or reclaimed water is mixed with potable water supplied by Austin Water Utility~~].

(B) It is an affirmative defense to a violation of this chapter that the use of water that gave rise to the violation was consistent with the agreed upon terms and conditions of a water service contract with a wholesale water customer and that the use did not constitute water waste.

(C) It is an affirmative defense to a violation of this chapter that the use of water that gave rise to the violation properly utilized solely auxiliary water, and did not endanger public health, safety, or property.

(~~D~~[E]) It is an affirmative defense to a violation of this chapter that the use of water that gave rise to the violation properly utilized solely reclaimed water, did not endanger public health, safety, or property, and did not constitute water waste in accordance with 6-4-12 (Water Waste Prohibited).

(~~E~~[D]) It is an affirmative defense to a violation of this chapter that the act or omission that gave rise to the violation occurred solely because a documented emergency that prevented strict compliance, and that the act or omission did not disrupt the availability of adequate water for other public emergency response or fire fighting or fire suppression purposes.

PART 4. City Code Section 6-4-7 (*Administrative Rules*) is repealed and replaced with a new Section 6-4-7 to read as follows:

§ 6-4-7 - ADMINISTRATIVE RULES.

(A) The director may adopt administrative rules as necessary for the implementation of this chapter.

(B) Before the director may adopt or amend a nonemergency rule, the director will present the proposed rule to the Water and Wastewater Commission and the Resource Management Commission. In cases of emergency rule adoption, the director will present the rule to the

231 Water and Wastewater Commission and the Resource Management
232 Commission as soon as practicable following emergency rule
233 adoption.

234 (C) The rules shall be available for inspection on Austin Water's website
235 and at the Austin Water administrative offices during normal business
236 hours.

237 **PART 5.** City Code Section 6-4-10 (*Facilities Regulated*) is repealed and replaced
238 with a new Section 6-4-10 to read as follows:

239 **§ 6-4-10 - FACILITIES REGULATED.**

240 (A) The owner or water account holder of a commercial, or multi-family
241 residential situated on property equal to or greater than 1.0 acre in size
242 shall obtain an evaluation of any permanently installed automatic
243 irrigation system conducted at a frequency prescribed by rules
244 adopted pursuant to this chapter. The irrigation evaluation shall, at a
245 minimum:

246 (1) be conducted by an Austin Water authorized irrigation inspector
247 who has been authorized in accordance with rules adopted
248 pursuant to this chapter and whose authorization is reflected in
249 records maintained by Austin Water;

250 (2) be documented on forms provided by Austin Water; and

251 (3) verify that the irrigation system operating on the property
252 complies with all applicable requirements of this chapter, rules
253 adopted pursuant to this chapter, and other applicable technical
254 codes.

255 (B) The owner, or any water account holder, of vehicle washing facilities
256 shall provide an evaluation of all vehicle washing equipment
257 conducted at a frequency prescribed by rules adopted pursuant to this
258 chapter. The vehicle washing facility evaluation shall, at a minimum:

259 (1) be conducted by a Texas-licensed plumber of the vehicle
260 washing facility's choice;

261 (2) be documented on forms provided by Austin Water; and

- 262 (3) establish that the equipment is operating in compliance with
263 equipment standards prescribed by rules adopted pursuant to this
264 chapter.
- 265 (C) The owner or water account holder of a cooling tower must:
- 266 (1) register the tower with Austin Water using a form provided by
267 Austin Water;
- 268 (2) register a new or replacement tower prior to operation; and
- 269 (3) submit a fully completed annual inspection of the tower to
270 Austin Water by March 1 of each year using a form provided by
271 Austin Water verifying that the cooling tower is properly
272 permitted and complies with all applicable requirements of this
273 chapter, rules adopted pursuant to this chapter, and applicable
274 technical codes. The inspection must:
- 275 (a) be performed by an independent third-party Texas-
276 licensed mechanical or chemical engineer, or a person
277 holding a Texas Department of Licensing and
278 Regulations Air Conditioning and Registration License
279 (Class A) with a combined endorsement for process
280 cooling and refrigeration; and
- 281 (b) be performed not more than 90 days before the March 1
282 due date.
- 283 (D) A facility with 100 tons or greater of combined cooling capacity using
284 an evaporative cooling tower must:
- 285 (1) have the make-up and blowdown meters and overflow alarm
286 connected to the building's central energy management system
287 or utility monitoring dashboard; and
- 288 (2) offset a minimum of 10% of the make-up water with reclaimed
289 or onsite alternative water sources.
- 290 (E) Restaurants, bars, and other commercial food or beverage
291 establishments may not provide drinking water to customers unless a
292 specific request is made by the customer for drinking water.

- (F) The owner or operator of a hotel, motel, short term rental, or other establishment that offers or provides lodging or rental accommodations for compensation shall offer a towel and linen reuse water conservation option to its lodgers, renters, or customers and maintain in each applicable guest room, suite, or property informational signage to communicate information relating to this requirement and to offer the opportunity for guest participation.

PART 6. City Code Section 6-4-11 (*General Regulations*) is amended to add new Subsections (G) and (H) to read:

(G) The owner or water account holder of a cooling tower must:

- (1) operate the cooling tower in a manner to achieve a minimum of five cycles of concentration if the cooling tower utilizes potable water as its primary source of make-up water;
- (2) equip the cooling tower with:
 - (a) overflow sensors and alarms connected to the building's central energy management system or utility monitoring dashboard;
 - (b) make-up water and blowdown meters to manage water consumption;
 - (c) conductivity controllers; and
 - (d) a drift eliminator with a drift rate of not more than 0.005% of the circulated water flow rate for crossflow towers and 0.002% for counter flow towers;

(H) The owner or water account holder of a cooling tower shall use a biocide to treat the cooling system recirculation water to minimize the growth of Legionella and other microorganisms.

PART 7. Subsection (B) of City Code Section 6-4-12 (*Water Waste Prohibited*) is amended to read as follows:

(B) A person may not:

- (1) fail to repair a controllable leak, including ~~[but not limited to]~~ a broken sprinkler head, a broken pipe or a leaking valve; ~~[or]~~

- (2) operate an irrigation system with:
- (a) a broken head; [Ø]
 - (b) a head that is out of adjustment and the arc of the spray head is over a street, parking area, or other impervious surface; or
 - (c) a head that is misting because of high water pressure;[-Ø]
- (3) allow water flow during irrigation that:
- (a) runs, flows, or streams in a way that extends into a street, parking area, or other impervious surface for a distance of 50 feet or greater; or
 - (b) allows water to pond to a depth greater than 0.25 inch in a street, parking area, or on other impervious surfaces[-]; or
- (4) operate a cooling tower:
- (a) in a manner that allows an overflow from the cooling tower basin to occur; or
 - (b) without a functioning drift eliminator.

PART 8. Subsections (D) and (E) of City Code Section 6-4-13 (*Water Conservation Guidelines*) are amended to read as follows:

§ 6-4-13 - WATER CONSERVATION GUIDELINES.

- (D) Water use regulations of Section 6-4-15 (*Water Conservation Stage* [~~Section 6-4-15~~]) remain in effect until such time as the city manager orders termination of the stage in accordance with Subsection (C) of [s]Section 6-4-13[(C)], (*Water [Use] Conservation Guidelines*). Unless a drought or emergency stage is expressly declared by order of the [C]city [M]manager, water use regulations of the Section 6-4-15 (*Water Conservation Stage*) [~~section 6-4-15~~] automatically resume by default immediately upon any ordered termination of any drought or emergency stage.
- (E) Any outdoor water use subject to the provisions of this Chapter shall occur only on a day designated for the applicable water use activity,

354 property/facility type, and street number address classification
 355 indicated in the following table. A person may not conduct, authorize,
 356 or permit outdoor water use except in accordance with the designation
 357 schedule set out in the following table. In the following table,
 358 "EVEN" or "ODD" correspond to the street number of the physical
 359 property address where the outdoor water use occurs. The table below
 360 shall be referred to as "the Outdoor Water Use Schedule".

Conservation Stage and Drought Response Stage 1 Watering Schedule	
Property Type	Watering Day
Residential Property - Hose-end EVEN	Sunday and Thursday
Public Schools	Monday
Commercial/Multi family - Automatic <u>& Manual</u> EVEN	Tuesday
Residential – Automatic <u>& Manual</u> ODD	Wednesday
Residential - Automatic <u>& Manual</u> EVEN	Thursday
Commercial/Multi Family - Automatic <u>& Manual</u> ODD	Friday
Residential Property - Hose-end ODD	Wednesday and Saturday
Drought Response Stage 2 and Stage 3 Watering Schedule	
Property Type	Watering Day
Residential Property - Hose-end EVEN	Sunday
Public Schools	Monday
Commercial/Multi family - Automatic <u>& Manual</u> EVEN	Tuesday
Residential - Automatic <u>& Manual</u> ODD	Wednesday
Residential - Automatic <u>& Manual</u> EVEN	Thursday

Commercial/Multi Family - Automatic <u>& Manual</u> ODD	Friday
Residential Property - Hose-end ODD	Saturday

PART 9. Subsections (B) and (C) of City Code Section 6-4-14 (*Exemptions*) are amended to read as follows:

(B) The following activities shall be exempt from the application of Section 6-4-15 (*Water Conservation Stage*), Section 6-4-16 (*Drought Response Stage One Regulations*), Section 6-4-17 (*Drought Response Stage Two Regulations*), and Section 6-4-18 (*Drought Response Stage Three Regulations*):

(1) Outdoor irrigation:

- (a) using a hand-held hose or refillable watering vessel;
- (b) using drip irrigation;
- (c) of trees using an automatic bubbler system or soaker hose placed within the drip-line of the tree canopy;
- (d) of vegetable gardens using a soaker hose;
- (e) of athletic fields used for organized sports practice, competition, or exhibition events when the irrigation is necessary to protect the health and safety of the players, staff, or officials present for the athletic event;
- (f) immediately following a commercial lawn treatment application by an applicator who possesses required licensure as applicable for use of such substances including [~~but not limited to~~] fertilizer, pesticides, and herbicides, provided receipts documenting such application and the applicator's credentials are provided upon request to a designee of the director; or
- (g) of plant material at a commercial nursery.

(2) Water use:

- 388 (a) necessary for repair or installation of a permanently or
389 temporarily installed landscape irrigation system when
390 the person performing the irrigation work is present in
391 the area of irrigation; or
- 392 (b) necessary for the repair, testing, or installation of an
393 ornamental fountain when the person performing the
394 testing, repair or installation is present.
- 395 (C) The following activities shall be exempt from the application of
396 Section 6-4-15 (*Water Conservation Stage*), Section 6-4-16 (*Drought*
397 *Response Stage One Regulations*) requirements:
- 398 (1) Water use necessary to comply with federal, state, or local land
399 development permits requiring the establishment of new
400 landscaping between the hours of 7:00 p.m. to 10:00a.m.; and
- 401 (2) Irrigation of areas documented on a City approved and released
402 site plan as golf course fairways, greens, or tees.

403 **PART 10.** Subsection (D) of City Code Section 6-4-16 (*Drought Response Stage*
404 *One Regulations*) is amended to read as follows:

- 405 (D) A person may not irrigate outdoors at a residential facility or a
406 commercial facility with a hose-end or manual sprinkler system
407 between the hours of 10:00 a.m. and 7:00 p.m., even if the irrigation
408 occurs on the designated outdoor water use day for the location.

409 **PART 11.** Subsection (D) of City Code Section 6-4-17 (*Drought Response Stage*
410 *Two Regulations*) is amended to read as follows:

- 411 (D) A person may not irrigate outdoors at a residential facility or a
412 commercial facility with a hose-end or manual sprinkler system
413 between the hours of 10:00 a.m. and 7:00 p.m. even if the irrigation
414 occurs on the designated outdoor water use day for the location.

415 **PART 12.** Subsection (D) of City Code Section 6-4-18 (*Drought Response Stage*
416 *Three Regulations*) is amended to read as follows:

- 417 (D) A person may not irrigate outdoors at a residential facility or a
418 commercial facility with a hose-end or manual sprinkler system
419 except between the hours of 7:00 a.m. and 10:00 a.m. or between the

hours of 7:00 p.m. and 10:00 p.m. even if the irrigation occurs on the designated outdoor water use day for the location.

PART 13. Subsection (B) of City Code Section 6-4-19 (*Emergency Stage Four Regulations*) is amended to read as follows:

- (B) A person may not use or allow the use of water to test or repair a permanently or temporarily installed irrigation system or drip irrigation system.

PART 14. Subsection (A) of City Code Section 6-4-30 (*Variance*) is amended to read as follows:

- (A) The director may grant a variance from a requirement of this chapter if the director determines that special circumstances exist and that:

- (1) strict compliance with the provisions at issue adversely affects the health, safety, welfare or sanitation of the public, the applicant, or the environment; or
- (2) strict compliance with the provisions at issue substantially threatens the applicant's primary source of income, the applicant is employing all reasonable water conservation measures, and approval of the variance will not result in water waste in accordance with Section 6-4-12 (*Water Waste Prohibited*).

PART 15. City Code Chapter 6-4, Article 3 (*Enforcement*) is repealed and replaced with Article 5 (*Enforcement*) to read as follows:

ARTICLE 5. ENFORCEMENT.

§ 6-4-50 APPLICABILITY.

This article applies to all parts of this chapter.

§ 6-4-51 OFFENSE.

- (A) A person commits an offense if the person:

- (1) directs, performs, authorizes, requests, allows, assists, facilitates, or permits an act prohibited by this chapter;